

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**JAMES T. GEISE,** : Civil Action 1:14-cv-02816-SHS

**Plaintiff,** :  
v.  
**AMERICAN MEDICAL AND LIFE** :  
**INSURANCE COMPANY,** :  
**Defendant.**

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**DECLARATION OF EMERY K. HARLAN IN SUPPORT OF GONZALEZ SAGGIO &  
HARLAN LLP'S MOTION TO WITHDRAW AS COUNSEL FOR DEFENDANT  
AMERICAN LIFE AND MEDICAL INSURANCE COMPANY**

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I, Emery K. Harlan, declare as follows:

1. I am an attorney-at-law admitted to practice before the Courts of the States of Illinois and Wisconsin. I am the Firm Chairman of the law firm Gonzalez Saggio & Harlan LLP (“GSH”), which maintains offices for the practice of law in a number of States, including New York, Illinois and Wisconsin. I am an adult resident of the State of Wisconsin. I make this Declaration based upon my personal knowledge.

2. I am the attorney at GSH who is the originating and relationship partner for current GSH client, American Medical and Life Insurance Company (“AMLIC”), which is the named defendant in this action.

3. GSH began representation of AMLIC in connection with this civil action at the request of AMLIC’s then general counsel in May, 2014. We also were then representing AMLIC in other litigation matters then pending in other States. Our agreement with AMLIC

was to bill it on a monthly basis for our services in this civil action, as well as in the other matters in which we were then representing it, and that GSH's invoices to AMLIC for our services in this and the other matters would be paid in a timely fashion.

4. Steven Gerber, a partner in GSH's New York City Office, then filed his and GSH's appearance as counsel of record on behalf of defendant AMLIC in this civil action on May 22, 2014. GSH also prepared AMLIC's answer to the complaint and thereafter attended the initial pretrial scheduling conference.

5. Pursuant to the Court's June 23, 2014 Order (Docket Index ("DI") 12) entered after the pretrial scheduling conference and Fed. R. Civ. P. 26, GSH prepared AMLIC's initial disclosures and timely served them on plaintiff's counsel. Plaintiff served discovery requests on August 12, 2014.

6. The Court's June 23, 2014 Order (DI 12) sets a discovery deadline of December 15, 2014.

7. GSH has rendered legal bills for services rendered to AMLIC in this civil action on a monthly basis, but none of these invoices have been paid.

8. AMLIC has been unresponsive to GSH's attempts in the last several weeks to secure payment of GSH's outstanding legal bills to it, including our invoices for services in this matter, which included my communicating with AMLIC's management by e-mail a deadline of August 8, 2014 for payment of GSH's outstanding invoices. I communicated to AMLIC that its failure to pay outstanding bills in full by that date would result in GSH's seeking leave of Court to withdraw as AMLIC's counsel.

9. Since August 8, 2014, AMLIC has failed to respond to my further inquiries about its paying my firm's past due invoices, including the invoices rendered for services in this civil

action. Specifically, I asked AMLIC's management for clarification as to whether AMLIC is planning to pay our past due invoices in full by August 12, and advised AMLIC's management that AMLIC did not do so, GSH would then promptly move to withdraw as its counsel in this and the other pending litigations in which we currently represent it. I received no response, and as of this date, AMLIC still has not made any payments on the amounts outstanding and due to GSH, including the unpaid invoices for services rendered in this civil action.

10. Given AMLIC's unresponsiveness to GSH's attempts to secure payment for GSH's services rendered thus far in this civil action, it does not appear that AMLIC will pay GSH for the services it will be required to render on AMLIC's behalf going forward in this litigation.

11. Given that this civil action is in its early stages, GSH respectfully urges that there is no basis to conclude that either party should be prejudiced by GSH's withdrawal.

Pursuant to 28 U.S.C. §1746(2), I declare under penalty of perjury that the foregoing statements are true and correct.



Emery K. Harlan, Esq.  
Firm Chairman, Gonzalez Saggio & Harlan LLP

Executed in New York, New York

August 15, 2014